

Administrative Order



Administrative Order No.: 4-121

Title: Fee Schedule for Miami-Dade County Courts self help collecting courts and drive legal programs

Ordered: 3/11/2003

Effective: 3/21/2003

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter; Section 938.30 and 938.301 of the Florida Statutes, Rule 2.050 of the Florida Rules of Judicial Administration and Rule 12.750, Florida Family Law Rules of Procedure.

POLICY:

This administrative order establishes fees charging defendants corresponding to the respective programs (Self Help, Collection Court and DWLS, hereinafter known as “Drive Legal,” programs) for the monitoring of compliance and completion of the courses/payments as ordered by the Courts. Certificates of Completion shall not be issued until all fees are paid when applicable.

Applicability:

The provisions of this procedure are applicable to all eligible defendants in the Self Help, Collection Court, and Drive Legal programs.

Fee Schedule:

The responsibility of this Administrative Order is assigned to the Administrative Office of the Courts through the Self Help, Collection Court, and Drive Legal program directors and Clerk of Courts, who shall be responsible for the collection of fees for the administrative costs associated with these programs and the delivery of required services pursuant to programs’ guidelines.

SELF HELP

Pro Se Party forms packet or forms fees:

1. Divorce Packet w/children	\$ 50.00
2. Divorce Workshop	\$ 50.00
3. Modification Packet	\$ 50.00
4. Paternity/Child Support Packet	\$ 50.00
5. Name Change Packet	\$ 35.00
6. Motion Packet	\$ 20.00
7. Temporary Custody Packet	\$ 50.00

COLLECTION COURT

PAYMENT PLAN: (PAYMENT PLAN CYCLE IS 31 DAYS)

1. Application Fee for plans of 6 months or less	\$ 25.00
2. Application Fee for plans of 7 months to 12 months	\$ 50.00
3. Plan extension fee for additional 6 month increments	\$ 25.00

BENCH WARRANTS – JUDICIAL ENFORCEMENT SECTION:

1. Partial payment of Warrant of Arrest issued for a misdemeanor or traffic collection proceeding	\$ 75.00
2. Partial payment of Warrant of Arrest issued for a felony collection proceeding	\$150.00

DRIVING WHILE LICENSE SUSPENDED (DWLS) KNOWN AS “DRIVE LEGAL PROGRAM”

1. Enrollment Fee	\$ 15.00
2. Late Enrollment Fee (if after ten days of Judge’s signed orders)	\$165.00
3. Failure to Appear Fee once enrolled (for each case)	\$ 15.00
4. Failure to Complete the Program within 90 days but less than 6 months	\$ 50.00
5. Failure to Complete the Program within 6 months but less than 1 year	\$ 75.00
6. Failure to Complete the Program from one year or more of enrolling	\$150.00
7. Maximum late fee imposed	\$165.00

Procedure:

The Self Help, Collection Court, and Drive Legal program directors are authorized to collect fees and account for the revenues. The process will involve the following:

SELF HELP PROGRAM

The Self Help program was created to facilitate the progress of Pro Se cases through the Family Division, from the initial case filing to the assignment of final hearing thus expediting Pro Se cases which due to their unfamiliarity with Court rules and procedures were major contributors to extensive delays experienced in the Family Court Division of the Circuit.

PROCEDURE

The following shall apply to Pro se parties who seeks to file or files dissolution of marriage, name change, paternity, custody and post-judgment modification cases in the Family Division of the Circuit:

1. Pro Se parties shall acquire and utilize the Eleventh Judicial Circuit forms packet or

forms substantially in compliance therewith, which are available, at a cost not to exceed fifty (\$50.00) dollars, from the Clerk's Office;

2. Pro Se parties shall register with and receive information and instructions on relevant Family Court rules and procedures, referrals to social service agencies, and other appropriate assistance, which is available from the Circuit's Family Court Self Help Program;
3. At the time of filing their pleadings and papers with the Court, Pro Se parties shall have those pleadings and papers reviewed as to form by the Family Court Self Help Program; and
4. All Pro Se parties shall obtain a final hearing date from the Family Court Self Help Program.

A waiver request filed under Supreme Court Local Rule shall be considered an emergency ex parte motion pursuant to Rule 12.741 (b) (1), Family law Rules of Procedure, and shall be disposed of expeditiously in order to avoid any inconveniences to the requesting party; these waivers shall be performed by the Administrative or Associate Administrative Judge, Family Division.

Form packages or forms will be charged as follows:

1. Divorce Packet w/ children	\$ 50.00
2. Divorce Workshop	\$ 50.00
3. Modification Packet	\$ 50.00
4. Paternity/Child Support Packet	\$ 50.00
5. Name Change Packet	\$ 35.00
6. Motion Packet	\$ 20.00
7. Temporary Custody Packet	\$ 50.00

COLLECTION COURT

Collection of All Court Costs and Fines

1. All court costs and fines for non-probationary cases are due at disposition/sentencing.
2. Defendants are given two choices: a) pay all court costs and fines within 24 hours or b) negotiate a payment plan
3. From the courtroom, defendants proceed to the post-judgment room to obtain judgment order. If they are unable to pay, they proceed to the Collection Unit, to consult with a collection investigator (CI) who negotiates a payment plan with them.
4. If a payment plan is not initiated, the defendant is sent back to court where other actions will be taken including necessary updates to the system (e.g. modification of the one-day

stay due date, setting of report re: indigency hearing, etc.)

Payment Plan

Payment plan cycle is 31 days.

- A \$25.00 application fee is assessed for plans of six (6) months or less
- A \$50.00 application fee is assessed for plans of seven (7) months to twelve (12) months – if the defendant have more than one case, the application fee is assessed on one case only.
- An additional \$25.00 application fee is assessed for modified plans that extend into a new six-month increment.
- Modified coupons are mailed to the defendants two weeks prior to each payment due date.
- Delinquent or about to become delinquent defendants are given a reminder telephone call by the CI at which time payment is requested.
- Delinquent defendants are referred to the Judicial Enforcement Section (JES)

JUDICIAL ENFORCEMENT SECTION

The Criminal Divisions of the Circuit and County Courts was created to handle the supplementary proceedings for collection of court-imposed financial obligations arising from criminal cases (traffic, misdemeanor, and felony cases) pursuant to Section 938.30, Florida Statutes.

Judge(s) assigned to respective sections for supplementary proceedings will handle closed criminal cases in which the court-imposed financial obligations have not been met and said obligations are not a condition of probation. The trial judge at the time of sentencing has the authority to order that the case not be referred to the Judicial Enforcement Section in the event that payment is delinquent. Absent such declaration by the sentencing judge, the Clerk is authorized to set the case in the Judicial Enforcement Section should payment be delinquent.

CLERK FUNCTIONS/AOC (Bench Warrants)

The Office of the Clerk of Court is authorized to accept payment for satisfaction of court imposed financial obligations upon a issuance of notice of a bench warrant for defendant(s) failure to appear at a supplementary proceeding regarding nonpayment of court imposed financial obligations.

Limitations of Authority:

1. The AOC is limited in the delegated authority as it can only discharge a warrant issued in a supplementary collection proceeding for felony, misdemeanor, and criminal traffic cases.
2. Warrants may be discharge pursuant to this delegation of authority if payment is made in full according to the amount as set forth in the Warrant of Arrest.
3. If a defendant requests to make a partial payment pursuant to a warrant issued for

a misdemeanor or criminal traffic collection proceeding, the Clerk may accept an amount not less than seventy-five dollars (\$75.00), verify the defendant's address, set the matter within twenty-one (21) days before the issuing judge, and discharge the warrant. If a defendant requests to make a partial payment pursuant to a warrant issued for a felony collection proceeding, the Clerk may accept an amount not less than one hundred fifty (\$150.00) dollars, verify the defendant's address, set the matter within twenty-one (21) days before the issuing judge, and discharge the warrant.

DRIVING WHILE LICENSE SUSPENDED (DWLS) KNOWN AS “DRIVE LEGAL PROGRAM”

SCREENING PROCESS:

The Clerk's Office will divert to the Drive Legal Unit as all DWLS citations issued by all Law Enforcement Agencies in Miami-Dade County. Administrative Office of the Courts (AOC) personnel will screen for eligibility following the profile set out by the State Attorney's Office (S.A.O) (See “DWLS Offender Profile”, attached hereto as Exhibit A). AOC personnel will then check driver histories to verify eligibility into the program and/or status of driver's history.

Defendants found to be eligible for the Program will be set for report calendars by the Calendaring Workbench, in one or more courtrooms. AOC personnel, AOC counselors, interpreters and bailiffs will staff these sessions. Defendants found by AOC counselor to be ineligible for Drive Legal or defendants who fail to appear will be set for arraignment, trial, or report as appropriate, before a Judge for disposition of those cases.

Defendants found by the AOC screener to be ineligible for DWLS Drive Legal will be set for arraignment, trial, or report, as appropriate, before a Judge for disposition of the case. Defendants found by the AOC screener to be eligible for enrollment into the program, following the profile set by the S.A.O., shall be given the option to voluntarily enroll into the Program unless the S.A.O. or any County Court Judge objects. Those defendants wishing to enroll will be sent to Post Judgment to sign an enrollment form.

The Director of the Program following criteria set or approved by the Court may make enrollment fee waivers.

AOC FUNCTIONS:

The AOC shall perform the following duties:

1. Reset unsuccessful completion with Criminal citations only, including cases in which the Defendant failed to appear at the Program, for report before Division Central X.
2. Return unsuccessful completions on infraction cases previously under diversion status to their original status.
3. Process all monies collected, coordinate with AOC counselors, and update each defendant's record in the computer notifying Department of Highway Safety and

Motor Vehicles (DHSMV) of the proper disposition of all outstanding cases.

4. Upon meeting the program guidelines, set aside Bench Warrants in all traffic related matters with the exception of DUI cases, DWLS cases in which there is an allegation of a crash and/or personal injury, property damage and/or DWLS case issued for a Habitual Traffic Offender unless the S.A.O. or any County Court Judge objects.

PROGRAM PROCEDURES:

1. Defendants who are eligible for the Program will have their outstanding DWLS cases disposed of by participating in the Program without a court appearance unless the S.A.O. or any County Court Judge objects. Once these defendants successfully complete the Program, a Withhold of Adjudication with no court costs shall be issued on the enrollment DWLS case. Any remaining DWLS charges that have not been previously adjudicated shall be closed with a Withhold Adjudication and current court costs shall be imposed with respect to each of the defendant's eligible DWLS cases. In cases where granting a Withhold of Adjudication on an eligible DWLS case would cause a defendant to receive a Habitual Traffic Offender (HTO) suspension, shall have these DWLS cases amended to No Valid Driver License (NVDL) and closed with a Withhold of Adjudication.
2. In appropriate circumstances when a DWLS defendant is determined insolvent, based upon his/her submission of a completed Affidavit of Insolvency/Certificate of Indigence pursuant to Chapter 27 of the Florida Statutes, he/she will have outstanding court costs converted to community service hours at one hour for every \$10.00. In cases where granting a Withhold of Adjudication on a eligible DWLS case would cause a defendant to receive a habitual Traffic Offender (HTO) suspension, shall have these DWLS cases amended to No Valid Driver License (NVDL) and closed with a Withhold of Adjudication.
3. Defendants will not be allowed to elect to enter the Program more than once in a twelve-month period from their prior enrollment and not more than three times in a lifetime, unless otherwise ordered by the court.
4. Defendants appearing for report calendars will be assigned to a specific courtroom, where they will see a video and/or a Drive Legal counselor will explain their options, after which an AOC counselor will answer any questions they may have concerning their options.
5. Eligible defendants who want to enroll in the Program are attended individually at front counter windows staffed by AOC counselors, who will have their driver history and access to all inquiry screens to advise the defendant what it will take to obtain a valid license. These counselors will also refer these defendants to an appropriate agency for referral to a community service program if needed.
6. Defendants will have their outstanding moving and non-moving infractions converted to community services hours at one hour per every \$10.00.

7. Once a defendant has successfully met all requirements set forth by the Program, the AOC will deliver to the Clerk's Office all monies collected and the status of all outstanding cases. The AOC counselor will update the computer to reflect this information and Tallahassee will be notified to update the defendant's driving record.
8. If an unsentenced defendant fails to successfully complete the Program, the AOC Counselor shall set the eligible cases for arraignment for trial, as appropriate, before the division in which each case fell. If a sentenced defendant fails to successfully complete the Program, the AOC counselor shall set each sentenced case on a Report Calendar before the Division Matters or his/her administrative superior(s) will determine the number of cases set on each Report Calendar.
9. When satisfying outstanding moving violations, points will be assessed in the following manner:

1-2 moving violations	No points	No traffic schools
3-5 moving violations	1 case receives points	8 hour traffic school
6-8 moving violations	2 cases receives points	*12 hour traffic school
9-12 moving violations	3 cases receive points	
13 or more moving violations	4 or more cases receives points	

* Those defendants who accumulate (>12 points within 12 months, >18 points within 18 months or >24 points within 36 months) after applying the above formula will have their cases taken to the Associate Administrative Judge for review to avoid the excessive point suspension.

10. If at any time a defendant appears at the Report Calendar with a valid driver's license, the AOC counselor will compile a list of eligible cases for the State Attorney's office to Nolle-Prosse.
11. The fee for timely enrollment in the program is \$150.00. Late enrollment (more than ten days after the Judge's signed order) will subject the participant to an enrollment fee of \$165.00. Once enrolled, a fee of \$15.00 will be imposed on the participant for each failure to appear for a scheduled DWLS counseling appointment. All fees are directed to the AOC to cover the administrative costs associated with the Program. The participant's failure to complete the Program within ninety days from the date of enrollment or re-enrollment, as applicable, will result in the imposition of late fees as follows:
 - a. A participant who completes the Program more than ninety days after the date of enrollment or re-enrollment, as applicable, but less than six months after said date shall pay a late fee of \$50.00.
 - b. A participant who completes the Program more than six month after the date of enrollment or re-enrollment, as applicable, but less than one year after said date shall pay a late fee of \$75.00.

- c. A participant who completes the Program more than one year after the date of enrollment or re-enrollment, as applicable, or more after said date shall pay a late fee of \$150.00.

Participants enrolled in the Program who are required to pay late fees shall be imposed a maximum fee of \$165.00.

This administrative order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Steve Shiver
County Manager